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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,650	07/13/2001	Kyoung Ro Yoon	24286/81351	.1629
37803 7590 07/27/2007 SIDLEY AUSTIN LLP 555 CALIFORNIA STREET SUITE 2000 SAN FRANCISCO, CA 94104-1715			EXAMINER SHEPARD, JUSTIN E	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 07/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/903,650

Applicant(s)

YOON ET AL.

Examiner

Justin E. Shepard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-24 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-24 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In view of the Appeal Brief filed on 03/26/2007, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Chris Kelley



### ***Response to Arguments***

Applicant's arguments, see Appeal Brief, filed 3/27/07, with respect to the rejection(s) of claim(s) 15-21 and 30-33 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further

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consideration, a new ground(s) of rejection is made in view of Ozer in view of Dedrick in view of Del Sesto.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 16, 18, 20, 22 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick in view of Del Sesto.

Referring to claim 15, Ozer discloses a method for processing user history data (column 4, lines 51-58), the method comprising:

recording a user action item corresponding to usage (figure 4, part 460) of multimedia content having a content reference identifier (figure 4, part 430);

assigning a program identifier (figure 4, part 410) and a user action type to the user action item (figure 4, part 450), the program identifier including the content reference identifier for identifying the corresponding multimedia content (figure 4, part 430).

Ozer does not disclose a method wherein the usage corresponds to the consumption of multimedia content; and specifying whether information in the user action item is protected.

In an analogous art, Dedrick teaches a method wherein the usage corresponds to the consumption of multimedia content (column 2, lines 57-62; column 4, lines 17-22); and enabling information in the user action item to be protected (column 7, lines 37-43).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the consumption data and the protection taught by Dedrick to the method disclosed by Ozer. The motivation would have been to enable more detailed information to be provided without having to worry about privacy issues due to the increased user information being shared.

Ozer and Dedrick do not disclose a method wherein the user action is specified as being protected.

In an analogous art, Del Sesto teaches a method wherein the user action is specified as being protected (column 11, lines 59-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the protection flag taught by Del Sesto to the method disclosed by Ozer and Dedrick. The motivation would have been to allow only allow certain portions of the data to be protected, therefore allowing for more flexibility in the data handling.

Referring to claim 16, Ozer discloses a method for processing user history data as claimed in claim 15, wherein the content reference identifier is independent of a storage location of the corresponding multimedia content (figure 2, parts 150 and 152; column 4, lines 51-58; figure 3, parts 320 and 350).

Referring to claim 18, Ozer discloses a method for processing user history data as claimed in claim 15, wherein the user action type represents a consumption type indicating how the user consumed the multimedia content (figure 4, part 450; column 11, lines 33-39).

Claim 22 is rejected on the same grounds as claims 15 and 18.

Referring to claim 20, Ozer discloses a method for processing user history data as claimed in claim 15, wherein the user action type represents a consumption behavior for the corresponding multimedia content (figure 4, part 450; column 11, lines 33-39).

Referring to claim 30, Ozer discloses a method of claim 15, further comprising: storing the user action item in a user action history (figure 4; column 2, lines 51-58).

Referring to claim 31, Ozer does not disclose a method of claim 30, wherein storing the user action item in the user action history includes storing the user action item in a portable medium.

In an analogous art, Dedrick teaches a method of claim 30, wherein storing the user action item in the user action history includes storing the user action item in a portable medium (column 7, lines 37-43).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the portable medium taught by Dedrick to the method taught by Ozer.

The motivation would have been to enable users without an internet connection to provide their usage history to the headend by mail.

Referring to claim 32, Ozer and Dedrick do not disclose a method of claim 30, wherein specifying whether information in the user action item is protected includes specifying whether all information in the user action history is protected.

In an analogous art, Del Sesto teaches a method of claim 30, wherein specifying whether information in the user action item is protected includes specifying whether all information in the user action history is protected (column 11, lines 59-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the protection flag taught by Del Sesto to the method disclosed by Ozer and Dedrick. The motivation would have been to allow only allow certain portions of the data to be protected, therefore allowing for more flexibility in the data handling.

Referring to claim 33, Ozer discloses a method of claim 30, wherein the user action history includes a hierarchical data structure (figure 4).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick in view of Del Sesto as applied to claim 15 above, and further in view of CIDF Website.

Referring to claim 17, Ozer, Dedrick, and Del Sesto do not disclose a method for processing user history data as claimed in claim 16, wherein the content reference identifier is a content reference ID (CRID) or a content ID forum (CIDF).

In an analogous art, the CIDF website teaches a method for processing user history data as claimed in claim 16, wherein the content reference identifier is a content reference ID (CRID) or a content ID forum (CIDF) (Mission of the forum).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the CIDF format to the data disclosed by Ozer, Dedrick and Del Sesto. The motivation would have been to enable the headend to easily track which user the data is coming from.

Claims 19, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view Dedrick in view of Del Sesto as applied to claim 18 above, and further in view of Kiewit.

Referring to claim 19, Ozer, Dedrick, and Del Sesto do not disclose a method for processing user history data as claimed in claim 18, wherein the consumption data indicates a recording or simple view of the corresponding multimedia data.

In an analogous art, Kiewit teaches a method for processing user history data as claimed in claim 18, wherein the consumption data indicates a recording or simple view of the corresponding multimedia data (column 4, lines 58-66; column 5, 63-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to additional consumption data taught by Kiewit to the method disclosed by Ozer,



Dedrick and Del Sesto. The motivation would have been to enable more detailed information to be provided, which would make the information provide more useful.

Claim 23 is rejected on the same grounds as claim 19.

Referring to claim 21, Ozer, Dedrick, and Del Sesto do not disclose a method for processing user history data as claimed in claim 15, wherein the user action type represents a consumption behavior indicates a selection from an action type group including operations of normal play, skip, replay, and slow play.

In an analogous art, Kiewit teaches a method for processing user history data as claimed in claim 15, wherein the user action type represents a consumption behavior indicates a selection from an action type group including operations of normal play, skip, replay, and slow play (column 4, lines 58-66; column 5, 63-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to additional consumption data taught by Kiewit to the method disclosed by Ozer, Dedrick and Del Sesto. The motivation would have been to enable more detailed information to be provided, which would make the information provide more useful.

Claim 24 is rejected on the same grounds as claim 21.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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